

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69167 of 2024

Arising Out of PS. Case No.-423 Year-2023 Thana- BHAGWAN BAZAR District- Saran

Prabhu Ram @ Prabhu Ram Harijan S/o Late Shivnath Ram R/o Mohalla-
Ward No 17, Nai Bazar, PS- Bhagwan Bazar, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankur Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwan Bazar P.S. Case No. 423 of 2023 instituted under Sections 147, 148, 149, 188, 290, 153(A), 295, 295(A), 296, 337, 338, 307, 332, 333, 353, 427 and 120(B) of the Indian Penal Code and Section 9 of the Bihar Control of Use and Play of Loudspeaker Act, 1955.

3. As per prosecution case, during the procession of Goddess Durga immersion when the procession reached near Masjid, it was stopped and music and chanting slogan were done. It is further alleged that some unsocial elements started throwing stones on the procession just when the procession started moving ahead.



4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. The allegation against the petitioner is general and omnibus and no overt act is alleged against the petitioner. The petitioner is a retired government servant aged about 67 years. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by this Court vide orders dated 22.05.2024, 28.06.2024, 22.05.2024 and 19.07.2024 passed in Criminal Miscellaneous Nos. 31877 of 2024, 34739 of 2024, 32926 of 2024 and 51709 of 2024 respectively. The petitioner has no criminal antecedent and undertakes to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount to each to the satisfaction of the learned Additional Chief Judicial Magistrate I-Saran at Chapra in



connection with Bhagwan Bazar P.S. Case No. 423 of 2023,
subject to the conditions laid down in Section 438(2) of the
Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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